

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,  
Plaintiff,  
v.  
ROB BONTA, et al.,  
Defendants.

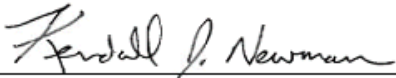
No. 2:22-cv-314-TLN-KJN PS  
ORDER TO SHOW CAUSE

On October 19, 2022, the undersigned recommended that plaintiff be granted leave to conduct limited discovery into the name of Doe Defendant #1 and thereafter amend his complaint. (ECF No. 27.) The undersigned recommended plaintiff be given 21 days from the date of the district judge's order to propound an interrogatory to the Secretary's office; thereafter, the Secretary had 21 days to respond, with plaintiff being granted 30 days from the Secretary's response to file an amended complaint. (Id.) The district judge adopted the undersigned's recommendations on December 30, 2022. (ECF No. 30.) Thus, plaintiff's amended complaint was due by March 10, 2023. This deadline has now passed, and the court's records show that plaintiff failed to file either an amended complaint or a notice of voluntary dismissal.

The court has considered whether this action should be dismissed at this juncture due to this failure. Nevertheless, in light of plaintiff's pro se status, and the court's desire to resolve the action on the merits, the court first attempts lesser sanctions by issuing this order to show cause.

1 Accordingly, IT IS ORDERED that, within 14 days of the date of this order, plaintiff shall  
2 show cause in writing why this action should not be dismissed with prejudice pursuant to Federal  
3 Rule of Civil Procedure 41(b) based on plaintiff's failure to comply with the court's order and  
4 failure to prosecute this case. Failure to timely comply with the terms of this order will result in a  
5 recommendation that this action be dismissed with prejudice under Rule 41(b).

6 Dated: March 20, 2023

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8 KENDALL J. NEWMAN  
9 UNITED STATES MAGISTRATE JUDGE

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